



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/160335

PRELIMINARY RECITALS

Pursuant to a petition filed August 28, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Racine County Department of Human Services in regard to Medical Assistance, a hearing was held on October 14, 2014, at Racine, Wisconsin.

The issue for determination is whether the agency correctly discontinued Petitioner's BadgerCare+ when it became aware that Petitioner's income was in excess of the income eligibility limit.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Rhonda Kramer

Racine County Department of Human Services
1717 Taylor Ave
Racine, WI 53403-2497

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Racine County.
2. Petitioner filed this appeal to contest the discontinuance of his BadgerCare+ effective September 1, 2014.
3. Petitioner submitted a six month report form and income verification in late July and August 2014. The employer income verification form indicates that Petitioner was employed at \$8.75 per hour,

worked 30 hours per week and is paid biweekly. This is \$1128.75 per month (\$8.75 x 30 x 4.3 weeks per month).

4. Petitioner's household size is 1.

DISCUSSION

BadgerCare+ is Wisconsin's Medicaid program for those who are not elderly or disabled. Effective April 1, 2014, Wisconsin state law changed and lowered the amount of adjusted gross income a household can have and still be eligible for benefits to 100% of the Federal Poverty Level for adults and 300% for children. *Wis. Stat. § 49.471(4)(a)*. This change was to be effective January 1, 2014 but was held off until April 1 to assure coordination with other changes in healthcare options; especially the Affordable Care Act. 100% of the Federal Poverty Level for a 1 person household is \$972.50 per month. *BadgerCare+ Eligibility Handbook (BEH), §50.1*. The agency discontinued Petitioner's BadgerCare+ after processing the information from Petitioner's July/August SMRF and income verification. As the demonstrated gross income was in excess of the BadgerCare+ \$972.50 income limit for one person, the agency correctly discontinued Petitioner's BadgerCare+ Medicaid.

At the hearing, Petitioner indicated that his income had, however, dropped with the start of the fall school semester. Case notes indicate that on September 8, 2014 Petitioner reported a decrease in income; this was after the discontinuance. There is a potential remedy here - if he has not done so already, Petitioner may reapply and ask for backdated eligibility:

...

Childless adults with assistance group income under 100% FPL will be eligible for backdating beginning in 2014. However, retroactive coverage cannot begin prior to April 1, 2014. As a result, a childless adult could not be eligible for the full three calendar months period of backdating until July 1, 2014.

If certifying for retroactive BC+, do not go back further than the first of the month, three months prior to the application month. Certify the person for any backdate month in which s/he would have been eligible had s/he applied in that month. In the case of children, certify the person for any backdate month in which s/he would have been eligible had s/he applied in that month and in which their assistance group income was at or below the appropriate FPL level for their age group.

A backdate request can be made at any time, except in the case where the member is already enrolled and backdating the member's eligibility would result in a deductible for the backdated period.

If a member has incurred a bill from a BC+ certified provider during a backdate period, instruct the member to contact the provider to inform them to bill BC+. The member may be eligible to receive a refund, up to the amount already paid to the provider.

...

BEH, §25.8.1.

CONCLUSIONS OF LAW

That Petitioner's BadgerCare+ was correctly discontinued when his income exceeded BadgerCare+ income limits.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

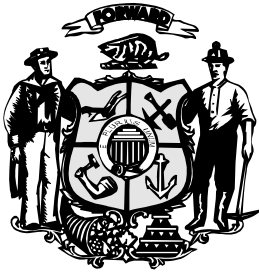
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 17th day of November, 2014

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 17, 2014.

Racine County Department of Human Services
Division of Health Care Access and Accountability